

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

**WRIT PETITION NO. 2920 OF 2003**

Touchwood Co-operative Housing Society Ltd. ....Petitioners

VERSUS

Vasant P. Prabhu & Anr. ....  
Respondents

Mr. M.P. Jadhav for the Petitioners

Ms. A.K. Savla for the Respondents.

**CORAM:    DALVEER BHANDARI, C.J., &  
                  DR. D.Y. CHANDRACHUD, J.**

**DATE:        AUGUST 12, 2004.**

**P.C.:-**

1. The petitioners have filed this petition with the prayer that respondent No. 2 be directed to complete the administrative action and pass an order within fifteen days in respect of the first illegal structure shown with letter 'A' and bounded by red colour boundary line in Exhibit 'A'.

2. The affidavit of Vasant P. Prabhu, Assistant Commissioner, respondent No.1, has been filed. In the reply-affidavit, it is mentioned that no notice under Section 351 of the Mumbai Municipal Corporation Act, 1888 ("the Act", for short) has been served on Nazir Bhai, calling upon him to show cause, within seven days, to the satisfaction of the Assistant Commissioner as to why the construction of ground + 1<sup>st</sup> floor with partly open terrace at 2<sup>nd</sup> floor with "B.M. Wall, *ladi coba* admeasuring 24' x 25' x 22' and 10' x 25' x 8'" should not be removed or pulled down.
3. In the affidavit, it was mentioned that regarding the second structure also, a notice under Section 351 of the Act is being issued. The learned counsel for the respondents submitted that after filing of this affidavit, the notice has already been served under Section 351 of the Act regarding the second structure. In view of this affidavit and submission, no further direction are necessary in this Writ Petition.
4. This Writ Petition is accordingly disposed of.

**CHIEF JUSTICE**

**DR.D.Y.CHANDRACHUD, J.**